State of Michigan

51st DISTRICT COURT

HON. RICHARD D. KUHN, JR. CHIEF JUDGE HON. PHYLLIS C. McMILLEN CHIEF JUDGE PRO TEMPORE



DENNIS A. WYNN
COURT ADMINISTRATOR
JENNIFER THOM
DEPUTY COURT ADMINISTRATOR

ADMINISTRATIVE ORDER 51ST DISTRICT COURT Administrative Order 2010-02

THIS ADMINISTRATIVE ORDER RESCINDS ADMINISTRATIVE ORDER 2008-05

INSPECTION, REPRODUCTION, AND CREATION OF COURT RECORDS

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Court Rules 8.119(E), effective September 30, 1999, and 8.110(C) (7), effective October 1, 1988. The purpose of this order is to regulate requests for inspection and reproduction of court records and to allow flexibility in providing approved forms or creating new records.

- 1. Court records are public unless specifically made not public by statute, court rule, case law, or court order. Specific court records include, case files, registers of action, indexes, video/audio/digital court recordings (including notes, tapes, and logs), and other court records. Procedures for inspection and reproduction of nonpublic information and records are set forth in Component 19 of the Michigan Trial Court Case File Management Standards, Nonpublic and Limited Access Records Chart, and Administrative Order 2006-2, Privacy Policy and Access to Records.
- A list of court records not subject to public inspection is contained within the Nonpublic and Limited Access Records Chart.
- 3. Court records are not subject to Freedom of Information Act requests. MCL 15.232(d) (v) specifically exempts the judiciary from the Freedom of Information Act.
- 4. In accordance with MCR 8.110(C) (7), the court shall provide litigants with forms approved by the State Court Administrator at the cost of \$ 1.00 per form.
 - a. Parties will be limited to a maximum of 10 copies per each type of form

requested.

- b. There will be no charge for forms requested by court-appointed attorneys on cases to which they have been appointed or for indigent parties.
- c. There will be no charge for forms prepared by the court.
- d. The circuit court or clerk or clerk of the court may not charge for pro se forms for personal protection proceedings or motion forms for criminal post appeal relief. MCL 600.2950 600.2950a MCR 6.502(C)(15)
- 5. Any person may inspect any court record to which access is not restricted by statute, court rule, case law, or court order and may obtain copies subject to the following regulations established in accordance with MCR 8.119(E).

a. General

- 1) All requests for court records and/or copies must be made on a "record/copy request form" and must specify a complete case number or party names except as provided under item b. 5).
- Persons who do not have a complete case number or party names may review available case indexes to identify and select specific cases for inspection.
- 3) Court records shall be reviewed at the public counter unless, in the discretion of court supervisory personnel, approval is granted to review records in the clerk's office based on available space, the type and number of records to be reviewed, and the length of time necessary to review them.
- 4) Ensuring the right of immediate access to and public inspection of court records shall be a top priority but may be limited by the availability of court staff to supervise the inspection.

b. Access

- 1) Requests for access to no more than 5 specific case files will be accommodated within 1 hour unless the files are in storage.
- 2) Requests for access to more than 5 specific case files will be accommodated within a reasonable amount of time depending on the total number of case files requested and the availability of court staff.

- 3) Requests for access to video and audio records (digital and analog) of court proceedings shall be granted within 24 hours, unless the records are in storage.
- 4) Requests for specific court records in storage will be accommodated within three working days.
- Case information requests from other courts that lack specific case numbers or party names shall be researched by this court. Requested information will be provided at no charge and will not require a "copy request" form.
- 6) Requests to perform general traffic or criminal record checks that do not have specific case numbers or party names will not be researched by the court. They will be referred to the appropriate state agencies to obtain this information or to the available indexes referred to under subsection 5.a.2.
- 7) Requests for the wholesale review of particular types of court records will only be considered if, in the court's discretion, the request will not unreasonably interfere with the discharge of court functions. The court is not required to develop special procedures for the convenience or cost/benefit of persons requesting access and may specify the date, time, and manner in which access is to be granted. It will be the responsibility of those persons requesting access to make prior, acceptable arrangements with the court.

c. Copies

- 1) The court will provide a limited number of copies of documents (fewer than 20 total pages) at a cost of \$ 2.00 per page within 1 hour of the request for copies.
- 2) Requests for more than 20 total copies of documents will be accommodated within a reasonable amount of time as determined by the (1) total number of pages to be copied, (2) availability of court staff and photocopying equipment, and (3) nature of the request, such as, the degree to which court staff is required to identify, select, and review documents to be copied.
- 3) Requests for copies of audio records should be directed to the respective court recorder. The cost of copies shall be \$3.00 per disk, payable to the 51st District Court.

4) In order to preserve and maintain the integrity of court records and to prevent unreasonable interference with the discharge of court functions, persons will not be permitted to copy or otherwise duplicate court records using their own equipment.

d. New Record Creation

- Requests for creation of a new record or compilation of records pertaining to case files or case-related information which are granted will be accommodated within a reasonable amount of time
 - a) as determined by the availability of sufficient data already contained in the records or record data base to easily identify those records requested, and
 - b) only if such compilation will not unreasonably interfere with the discharge of court functions.
 - 2) Costs to provide records under this subsection will include direct costs to the court to develop, generate, and validate the accuracy of the record.

Richard D. Kuhn, Jr.

Chief Judge

51st District Court

Effective Date: September 3, 2010

Date: September 3, 2010

51st District court COURT RECORD/COPY REQUEST

1.	Date of	of Request:						
2.	Reque	ested by:	Name					
			Address					
			Home telephone no.	Business telephone no.				
3.	Specify the complete case number and/or party name(s):							
	Case 1	Number:						
	Party	Name(s):		V				
4.	Natur	e of Request:						
		Review Rec	ord. (Specify the type of re	cord, such as casefile, recording, etc.)				
		Obtain Copi	es.					
5.	If cop	If copies are requested, list type of record to be copied:						
		Complete ca	se file (except for any nonp	ublic court records).				
neces	ssary.)	Specific cou	rt record. (List documents,	recordings, etc. Use an additional page if				
			not require that you place y acilitate the procesing of yo	our name and address on this form. This ur request.				
			For Court Us	e Only				
	copies 2	x per record/pa	ge charge of \$					

		Total ollargoa.	Ψ		
Processed by:					
·	Court Clerk			Date	

Total charged: \$

51st District COURT MEMORANDUM

TO: Persons Requesting General Record Checks

FROM: Dennis Wynn, Court Administrator

Please be advised that per 51st District Court Administrative Order 2010-2, a specific case number or the party names are required in order to provide the information you have requested.

If you do not have a specific case number or case name, the following options are available:

- 1. You may review available case indexes at the 51st District Court to identify and select specific cases for inspection. Please note that this review may only provide information on current or recent <u>public court cases</u> from this court.
- 2. A more complete record check may be requested by writing the appropriate state agency. Both the Michigan State Police and Department of State maintain computer information expressly for this purpose.
 - (a) To obtain a <u>Criminal</u> Record Check either contact the Michigan State Police, Central Records Division at (517) 241-0606 or go to the Michigan State Police Website at: <u>www.michigan.gov/ichat</u> to obtain information on how to use the Internet Criminal History Access Tool (ICHAT)
 - (b) To obtain a <u>Driving</u> (Traffic) Record contact the:

Michigan Department of State Commercial Look-up Unit 7064 Crowner Drive Lansing, Michigan 48918 Telephone: (517)322-1624

Once you receive complete record checks, you will be able to contact the appropriate police agency or court listed on the records to obtain case specific information.

The 51st District Court regrets that it cannot reasonably accommodate your request at this time. If you have any additional questions, please contact the court at 248-674-4655.